

REMARKS

Claims 1-27 were and remain pending in the application. By this paper, claims 24 and 26 have been amended. Each claim has been amended to clarify which motion of the object hanger is imparted by swinging of the seat. Reconsideration and withdrawal of the rejections are hereby respectfully solicited in view of the foregoing amendments and the following remarks.

Claim Rejections - 35 U.S.C. §103

Claims 1-6, 8, 9, and 13-27 have been rejected under 35 U.S.C §103(a) as obvious over Lin, U.S. Patent No. 5,553,337 (Lin) in view of Steiner, U.S. Patent No. 2,769,276 (Steiner). Claims 7 and 10-12 have been rejected as obvious over Lin in view of Sturman, U.S. Patent No. 2,506,001 (Sturman) and Stubbmann, U.S. Patent No. 3,978,610 (Stubbmann). Reconsideration and withdrawal of these rejections are respectfully solicited in view of the foregoing amendments and the following remarks.

Cited References Do Not Teach All of the Claim Limitations

Independent claims 1, 13, 14, 15, 16, 22, 24, and 26 are each rejected as obvious over Lin in view of Steiner, and each specifically recites a swing with a seat that either moves or swings relative to its supporting structure. Neither Lin nor Steiner discloses a “seat” within the meaning of claim 1. However, the action states without any basis or support that the board 11 of the Lin swinging “cradle” is a seat. To the contrary, it is very well known that a swing and seat and a cradle and board are two entirely different products intended for two entirely different purposes.

A swing with a seat as claimed is for supporting and swinging a child in a seated position. A seat in a swing is intended to *safely and stably retain* the child in the *seated position*. A swinging cradle with a flat board as disclosed in Lin is only intended to gently swing, i.e., rock a *prone infant* while they sleep. If a child is not lying down, but instead sits or stands on the flat surface or board of a cradle while it is swinging, the child can easily fall and suffer injury because they would not be supported by a seat in a seated position. As a result, the Lin flat board 11 is not a seat as claimed.

On the other hand, a stationary crib or playpen with a flat board, such as is referred to in Steiner (see col. 1, lines 25-29), does not move or swing. Thus, a stationary crib or playpen is known to be safe for a child either lying prone, sitting, or standing (hence the term *playpen*)

because the flat surface is stable and does not move. However, the crib or playpen in Steiner is also clearly not a “seat” within the meaning of the independent claims, each of which recites a “swing” with a seat that moves. If the crib in Steiner were moved in any way, a child seated in the crib would be at risk of falling down because the flat crib surface provides no support for a seated child.

Neither Steiner nor Lin discloses a swing *with a seat* as claimed, and thus the combination fails to teach or suggest all of the limitations of the independent claims. Both Sturman and Stubbmann also fail to teach or suggest the noted missing limitations. For at least the above reasons, a *prima facie* case of obviousness has not been established and the rejection should be withdrawn.

Each of independent claims 24 and 26 and dependent claims 17, 18, 20, 21, 25, and 27 also recites that motion of the swing imparts motion to the object hanger in a different direction than the swinging motion. None of the cited reference teaches or suggests the various forms of this limitation in each of these claims. Lin does not have any object hanger and discloses the only swinging device, though not a seat as claimed, of the cited references. The only motion imparted to the mobiles of the stationary cribs in Steiner and Stubbmann is caused by either air movement or by someone physically touching and moving the objects.

Thus, claims 17, 18, 20, 21, and 24-27 are also not rendered obvious by any combination of the cited references for this additional reason.

No Motivation or Suggestion to Combine the Reference Teachings

As noted above, Lin teaches a swinging cradle. As admitted in the action, Lin does not teach or suggest using of any type of mobile, object hanger, or decorative object, much less one that would move via motion of cradle, in conjunction with the swinging cradle. Steiner teaches a stationary crib, bed, or playpen (see col. 1, lines 40 and 41 and Figure 4) with a mobile attached to an edge rail 25 of the playpen or bed (see col. 2, lines 5-9). The mobile is intended to distract and entertain a child in the Steiner crib, as the action notes. At page 3, the action states that “it would have been obvious for one of ordinary skill in the art to modify the *seat* of Lin with the object hanger as taught by Steiner for the purpose of providing entertainment for a child seating (*sic.*) in the seat (emphasis added).”

To the contrary, it would absolutely not be obvious to add the Steiner mobile to the swinging cradle of Lin. Because Lin is a swinging cradle, it is merely intended for use as a sleeping device for prone infants. A child seated or standing in the Lin cradle would already be unstable, not supported, and unsafe if the cradle were moving, i.e., swinging. It would take much, if not all, of the child's attention and effort to remain in their seated or standing position and to not fall down. To place the Steiner mobile on the swinging Lin cradle would distract and entertain the child for sure. However, their attention would then be taken away from trying to prevent themselves from falling down and hurting themselves. There is a strong motivation not to place a mobile on the Lin swinging cradle, and that motivation is to keep one's child safe.

There is no motivation or suggestion to modify the Lin cradle by incorporating the Steiner mobile. For at least this additional reason, a *prima facie* case of obviousness has not been established and the rejection should be withdrawn.

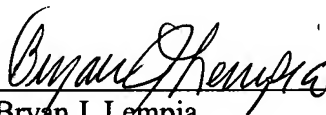
Sturman alludes to use of its disclosed tray on a seat or chair, but does not disclose use of a mobile and does not disclose a swing of any kind. Stubbmann is similar to Steiner in that it teaches a mobile for a stationary crib. Thus, neither Sturman nor Stubbmann teaches a swing with a seat, use of a mobile on a swinging device, or use of a mobile on a swing with a seat. As a result, no combination of Lin, Steiner, Sturman, and Stubbmann renders obvious any of the claims in this application.

CONCLUSION

Claims 1-27 have not been amended herein and are believed to be in condition for allowance in view of the foregoing remarks. Reconsideration and allowance of the application are respectfully solicited. The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

No fee is believed due at this time.

Respectfully submitted,


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